IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.452 OF 2005
IN
SUMMONS FOR JUDGMENT NO.113 OF 2004
IN
SUMMARY SUIT NO.3429 OF 2003

M/s.Indico Construction Co.& Anr. .. Appellants
V/s
Hemant Kantilal Nanavati & Anr. .. Respondents

Mr.S.S.Joshi for the Appellants.
Mr.R.V.Govilkar for the Respondents.

CORAM: DR.S.RADHAKRISHNAN &
S.C.DHARMADHIKARI, JJ.

DATE : 21.10.2005.

P.C.:

1. Heard the learned Counsel for the parties. We have perused the impugned order dated 15.3.2005. Mr.Govilkar, the learned Counsel for the Respondents fairly states that he is agreeable for setting aside the impugned order dated 15.3.2005 with a direction that the Defendants be granted unconditional leave to defend the suit.

2. In view thereof, The impugned order dated 15.3.2005 is set aside. Unconditional leave is granted to the Defendants to defend the suit. The Defendants shall file their written statement within a period of four weeks from toady. Appeal stands disposed of accordingly.

(DR.S.RADHAKRISHNAN, J.)

(S.C.DHARMADHIKARI, J.)